



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 885**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H885-ABAf-72 [v.1]

Page 1 of 2

Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2020

Senator \_\_\_\_\_

1 moves to amend the bill on page 1, line 2, through page 2, line 14, by rewriting those lines to  
2 read:

3  
4 "AN ACT TO PROVIDE THAT ONLY ONE FEE MAY BE ASSESSED TO A DEFENDANT  
5 FOR FAILING TO APPEAR IN COURT IN A CRIMINAL CASE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7A-304(a) reads as rewritten:

8 "(a) In every criminal case in the superior or district court, wherein the defendant is  
9 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the  
10 prosecuting witness, the following costs shall be assessed and collected. No costs may be  
11 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of  
12 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs  
13 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a),  
14 (11), (12), or (13) of this subsection. No court may waive or remit all or part of any court fines  
15 or costs without providing notice and opportunity to be heard by all government entities directly  
16 affected. The court shall provide notice to the government entities directly affected of (i) the date  
17 and time of the hearing and (ii) the right to be heard and make an objection to the remission or  
18 waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be  
19 made to the government entities affected by first-class mail to the address provided for receipt of  
20 court costs paid pursuant to the order. The costs are listed below:

21 ...  
22 (6) For support of the General Court of Justice, the sum of two hundred dollars  
23 (\$200.00) is payable by a defendant who fails to appear to answer the charge  
24 as scheduled, unless within 20 days after the scheduled appearance, the person  
25 either appears in court to answer the charge or disposes of the charge pursuant  
26 to G.S. 7A-146, and the sum of fifty dollars (\$50.00) is payable by a defendant  
27 who fails to pay a fine, penalty, or costs within 40 days of the date specified  
28 in the court's judgment. The fee for failure to appear shall only be assessed  
29 once in a criminal case. Upon a showing to the court that the defendant failed  
30 to appear because of an error or omission of a judicial official, a prosecutor,  
31 or a law-enforcement officer, the court shall waive the fee for failure to appear.  
32 These fees shall be remitted to the State Treasurer.



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1                   ...."  
2                   **SECTION 2.** This act becomes effective December 1, 2020, and applies to costs  
3 assessed on or after that date."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_      FAILED \_\_\_\_\_      TABLED \_\_\_\_\_